

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1329 be amended to read as follows:

- 1 Page 5, between lines 37 and 38, begin a new paragraph and insert:
- 2 "SECTION 11. IC 13-15-4-1, AS AMENDED BY P.L.138-2000,
- 3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 1. Except as provided in sections 2, 3, and 6
- 5 of this chapter, the commissioner shall approve or deny an application
- 6 filed with the department after July 1, 1995, within the following
- 7 number of days:
- 8 (1) Three hundred sixty-five (365) days for an application
- 9 concerning the following:
- 10 (A) A new hazardous waste or solid waste landfill.
- 11 (B) A new hazardous waste or solid waste incinerator.
- 12 (C) A major modification of a solid waste landfill.
- 13 (D) A major modification of a solid waste incinerator.
- 14 (E) A new hazardous waste treatment or storage facility.
- 15 (F) A new Part B permit issued under 40 CFR 270 et seq. for
- 16 an existing hazardous waste treatment or storage facility.
- 17 (G) A Class 3 modification under 40 CFR 270.42 to a
- 18 hazardous waste landfill.
- 19 (2) Two hundred seventy (270) days for an application concerning
- 20 the following:
- 21 (A) A Class 3 modification under 40 CFR 270.42 of a
- 22 hazardous waste treatment or storage facility.
- 23 (B) A major ~~new~~ National Pollutant Discharge Elimination

- 1 System permit.
- 2 (3) One hundred eighty (180) days for an application concerning
- 3 the following:
- 4 (A) A new solid waste processing or recycling facility.
- 5 (B) A minor ~~new~~ National Pollutant Discharge Elimination
- 6 System individual permit.
- 7 (C) A permit concerning the land application of wastewater.
- 8 (4) One hundred fifty (150) days for an application concerning a
- 9 minor new National Pollutant Discharge Elimination System
- 10 general permit.
- 11 (5) One hundred twenty (120) days for an application concerning
- 12 a Class 2 modification under 40 CFR 270.42 to a hazardous waste
- 13 facility.
- 14 (6) Ninety (90) days for an application concerning the following:
- 15 (A) A minor modification to a solid waste landfill or
- 16 incinerator permit.
- 17 (B) A wastewater facility or water facility construction permit.
- 18 (7) The amount of time provided for in rules adopted by the air
- 19 pollution control board for an application concerning the
- 20 following:
- 21 (A) An air pollution construction permit that is subject to 326
- 22 IAC 2-2 and 326 IAC 2-3.
- 23 (B) An air pollution facility construction permit (other than as
- 24 defined in 326 IAC 2-2).
- 25 (C) Registration of an air pollution facility.
- 26 (8) Sixty (60) days for an application concerning the following:
- 27 (A) A Class 1 modification under 40 CFR 270.42 requiring
- 28 prior written approval, to a hazardous waste:
- 29 (i) landfill;
- 30 (ii) incinerator;
- 31 (iii) treatment facility; or
- 32 (iv) storage facility.
- 33 (B) Any other permit not specifically described in this section
- 34 for which the application fee exceeds one hundred dollars
- 35 (\$100) and for which a time frame has not been established
- 36 under section 3 of this chapter.
- 37 SECTION 12. IC 13-15-4-12 IS AMENDED TO READ AS
- 38 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 12. (a) **For**
- 39 **purposes of this section, if:**
- 40 (1) **the deadline for approval or denial of a permit application**
- 41 **under section 1 of this chapter precedes July 1, 2003; and**
- 42 (2) **the commissioner does not approve or deny the permit**
- 43 **application before the deadline;**
- 44 **the deadline for approval or denial is considered to be July 1, 2003.**
- 45 (b) An applicant may ~~not~~ receive a refund of a permit application
- 46 fee if:

- (1) the permit application concerned the renewal of a permit;
- (2) the expiration date of the permit for which renewal is sought is extended under IC 13-15-3-6; and
- (3) the applicant applies in writing to the department for a refund.

(c) The amount of a refund under this section for a calendar year in which a fee is assessed under IC 13-18-20-13 is the amount determined in STEP FIVE of the following formula:

**STEP ONE: Determine the later of:**

- (A) January 1 of that calendar year; and
- (B) the deadline for approval or denial of the permit application under section 1 of this chapter if the deadline falls in that calendar year.

**STEP TWO: Determine the earlier of:**

- (A) the date of approval or denial of the permit application under section 1 of this chapter if that date falls in that calendar year; and
- (B) December 31 of that calendar year.

**STEP THREE: Determine the number of days after the date determined under STEP ONE and before the date determined under STEP TWO.**

**STEP FOUR: Multiply the amount determined under STEP THREE by the amount of the fee assessed in that calendar year under IC 13-18-20-13.**

**STEP FIVE: Multiply the product determined under STEP FOUR by seven one hundredths percent (.07%)."**

Page 6, between lines 9 and 10, begin a new paragraph and insert:  
 "SECTION 14. IC 13-15-11-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. Before September 1 of each even-numbered year, the department shall report to the environmental quality service council:**

- (1) the department's proposed distribution of funds among the programs referred to in section 1 of this chapter for the current state fiscal year;
  - (2) the department's rationale for the proposed distribution;
  - (3) any difference between:
    - (A) the proposed distribution; and
    - (B) the distribution made by the department in the immediately preceding state fiscal year; and
  - (4) the results of an independent audit of the correlation between:
    - (A) the distribution made by the department with respect to; and
    - (B) the department's actual expenses related to;
- each program referred to in section 1 of this chapter in the immediately preceding state fiscal year."

- 1 Page 21, after line 9, begin a new paragraph and insert:
- 2 "SECTION 38. **An emergency is declared for this act.**".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1329 as printed January 29, 2002.)

---

Representative Avery